

CHAPTER 460

MESSAGE THERAPY AND BODYWORK

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Cross Reference: See also chs. [RL 90](#), [91](#), [92](#), [93](#), and [94](#), Wis. adm. code.

460.01 Definitions.

In this chapter:

- (1) “Certificate holder” means a person granted a certificate under this chapter.
- (2) “Council” means the massage therapy and bodywork council.
- (3) “Manual action” includes holding, positioning, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body.
- (4) “Massage therapy or bodywork” means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body, in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility, and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy or bodywork” does not include making a medical or chiropractic diagnosis.
- (5) “Physician’s office” has the meaning given in s. [101.123](#) (1) (dg).
- (6) “Sexual contact” has the meaning given in s. [939.22](#) (34).
- (7) “Sexual intercourse” has the meaning given in s. [948.01](#) (7) (a).

NOTE: This section is created eff. 3–1–03 by [2001 Wis. Act 74](#).

History: 2001 a. 74.

460.02 Certificate required. Except as provided in s. [460.03](#), no person may designate himself or herself as a massage therapist or bodyworker, or use or assume the title “massage therapist and bodyworker” or “massage therapist” or “bodyworker” or any title that includes “massage therapist” or “bodyworker,” or append to the person’s name the letters “M.T.,” “C.M.T.,” “B.W.,” or “C.B.W.,” or use any other title or designation that represents or may tend to represent that he or she is certified under this chapter, unless the person is certified under this chapter.

NOTE: This section is created eff. 3–1–03 by [2001 Wis. Act 74](#).

History: 2001 a. 74.

460.03 Applicability. A certificate under this chapter is not required for any of the following:

- (1) A person holding a license, permit, registration, or certification granted by this state or the federal government who engages in a practice of massage therapy or bodywork within the scope of his or her license, permit, registration, or certification and who does not imply that he or she is certified under this chapter.
- (2) A person who is authorized to practice massage therapy or bodywork in another state or country and is providing a consultation to or demonstration with a certificate holder.

NOTE: This section is created eff. 3–1–03 by [2001 Wis. Act 74](#).

History: 2001 a. 74.

Cross Reference: See also chs. [RL 90](#), [91](#), [92](#), [93](#), and [94](#), Wis. adm. code.

460.04 Duties of department. (1) The department shall assign a unique certificate number to each person certified under this chapter.

(2) The department shall promulgate rules that establish all of the following:

(a) Standards that govern the professional conduct of certificate holders in practicing massage therapy or bodywork. The standards shall prohibit a certificate holder from having sexual contact or sexual intercourse with a client.

(b) Criteria for approving a training program for purposes of s. [460.05](#) (1) (e) 1. Rules promulgated under this paragraph shall require the training program to consist of at least 600 classroom hours.

(c) Requirements and procedures for obtaining the informed consent of a client under s. [460.11](#) (1) and for making a report required under s. [460.12](#) (1).

(d) A definition of “sexually oriented business” for purposes of s. [460.11](#) (3).

(3) In addition to any other procedure under ch. [227](#) relating to the promulgation of rules, when promulgating a rule under this chapter, other than an emergency rule under s. [227.24](#), the department shall do all of the following:

(a) Submit the proposed rule to the massage therapy and bodywork council at least 60 days before the proposed rule is submitted to the legislative council staff under s. [227.15](#) (1).

(b) Consider any comments on a proposed rule made by the council, if the council submits the comments to the department within 30 days after a public hearing on the proposed rule under s. [227.18](#) or, if no hearing is held, within 30 days after the proposed rule is published under s. [227.16](#) (2) (e).

(c) Include, in the report submitted to the legislature under s. [227.19](#) (2), any comments on the proposed rule submitted by the council under par. (b) and the department’s responses to those comments.

(4) When promulgating emergency rules under s. [227.24](#), the department shall provide a copy of the rules to the council prior to publication of the rules in the official state newspaper.

NOTE: This section is created eff. 3–1–03 by [2001 Wis. Act 74](#).

History: 2001 a. 74.

Cross Reference: See also chs. [RL 90](#), [91](#), [92](#), [93](#), and [94](#), Wis. adm. code.

460.05 Certification of massage therapists or bodyworkers. (1) The department shall grant a certificate as a massage therapist or bodyworker to a person who satisfies all of the following:

- (a) The person is 18 years of age or older.
- (b) The person has graduated from high school or attained high school graduation equivalency as determined by the department of public instruction under s. [115.29](#) (4).
- (c) The person submits an application for the certificate to the department on a form provided by the department.
- (d) The person pays the fee specified in s. [440.05](#) (1).

(e) Except as provided in sub. (2), the person submits evidence satisfactory to the department that he or she has done all of the following:

1. Graduated from a school of massage therapy or bodywork approved by the educational approval board under s. 45.54 or completed a training program approved by the department under the rules promulgated under s. 460.04 (2) (b).

2. Completed at least 6 classroom hours in the laws of this state and rules of the department relating to the practice of massage therapy or bodywork in a course of instruction approved by the department.

(f) The person passes the examinations under s. 460.06.

(g) The person submits evidence satisfactory to the department that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(h) The person has not been convicted of any of the following:

1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.09, 948.095, or 948.10.

2. An offense under federal law or a law of any other state that is comparable to an offense under subd. 1.

(2) The department may waive a requirement specified in sub. (1) (e) if a person establishes, to the satisfaction of the department, that he or she has education, training, or other experience that is substantially equivalent to the requirement.

(3) After April 1, 2005, the department shall grant a certificate as a massage therapist or bodyworker to a person if the educational approval board notifies the department that the educational approval board has determined all of the following:

(a) That the person submitted an application to the educational approval board on a form provided by the educational approval board that describes the person's education, training, and experience in the practice of massage therapy or bodywork and includes evidence satisfactory to the educational approval board of all of the following:

1. That the person is 18 years of age or older.

2. That the person graduated from high school or attained high school graduation equivalency as determined by the department of public instruction under s. 115.29 (4).

3. That, during the 2-year period after March 1, 2003, the person was actively engaged in the practice of massage therapy or bodywork.

4. That the person has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(b) That the person included with the application under par. (a) an attestation that the person only recently became aware of the requirements of this chapter.

(c) That the person paid the fee specified in s. 440.05 (1) (a) to the educational approval board.

(d) That the person's education, training, and experience in the practice of massage therapy or bodywork is substantially equivalent to the education required under sub. (1) (e).

(e) That the person has not been convicted of any of the following:

1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.09, 948.095, or 948.10.

2. An offense under federal law or a law of any other state that is comparable to an offense under subd. 1.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.06 Examinations. The department may not grant a certificate under this chapter unless the applicant passes the national certification examination for therapeutic massage and bodywork

that is offered by the National Certification Board for Therapeutic Massage and Bodywork or an examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the National Commission for Certifying Agencies or a substantially equivalent examination approved by the department. The department shall promulgate rules that also require an applicant to pass an examination on state laws and administrative rules governing massage therapy or bodywork.

NOTE: This section is shown as amended and renumbered from s. 440.982 (1) (b) eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74 s. 16.

460.07 Display of certificate; expiration and renewal.

(1) Each person who is certified under this chapter shall conspicuously display the certificate in the place of business where he or she practices massage therapy or bodywork so that the certificate can easily be seen and read.

(2) The renewal dates for certificates granted under this chapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include all of the following:

(a) The renewal fee specified in s. 440.08 (2) (a).

(b) If applicable, proof of completion of continuing education under s. 460.10.

(c) Evidence satisfactory to the department that the applicant has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.09 Reciprocal certificate. Upon application and payment of the fee specified in s. 440.05 (2), the department shall grant a massage therapist or bodyworker certificate to a person who holds a similar certificate in another state or territory of the United States or another country if the department determines that the requirements for receiving the certificate in the other state, territory, or country are substantially equivalent to the requirements under s. 460.05.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.10 Continuing education. The department may promulgate rules establishing requirements and procedures for a certificate holder to complete continuing education programs or courses of study to qualify for renewal of his or her certificate. The department may waive all or part of any requirement established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a certificate holder from completing the requirement.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.11 Practice requirements. (1) A certificate holder may not practice massage therapy or bodywork on a client unless the certificate holder first obtains the informed consent of the client and has informed the client that he or she may withdraw the consent at any time.

(2) A certificate holder shall keep confidential any information that a client in confidence gives to the certificate holder and any other information that the certificate holder obtains about a client in the course of practicing massage therapy or bodywork that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(3) A certificate holder may not, whether for compensation or not, practice massage therapy or bodywork for a sexually oriented business, as defined by the department by rule.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.12 Duty to make reports. (1) A certificate holder shall submit a report to the department if he or she has reasonable cause to believe that another certificate holder has committed a crime relating to prostitution under ss. 944.30 to 944.34 or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

(2) The department may use a report made under sub. (1) as the basis for an investigation under s. 460.14 (1). If, after an investigation, the department has reasonable cause to believe that a certificate holder has committed a crime, the department shall report the belief to the district attorney for the county in which the crime, in the opinion of the department, occurred.

(3) If, after an investigation, the department determines that a report submitted under sub. (1) is without merit, the department shall remove the report from the record of the certificate holder who is the subject of the report.

(4) All reports and records made from reports under sub. (1) and maintained by the department, district attorneys, and other persons, officials, and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1). Information regarding the identity of a client with whom a certificate holder is suspected of having sexual contact or sexual intercourse shall not be disclosed by persons who have received or have access to a report or record unless disclosure is consented to in writing by the client. The report of information under sub. (1) and the disclosure of a report or record under this subsection does not violate any person's responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82. Reports and records may be disclosed only to the department, and the appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

(5) (a) In this subsection, “violation” means a violation of any state or local law that is punishable by a forfeiture.

(b) A certificate holder shall submit a written report to the department if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, and if the circumstances of the felony, misdemeanor, or violation substantially relate to the practice of massage therapy or bodywork. The report shall identify the date, place, and nature of the conviction or finding and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment finding that he or she committed the violation. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.13 Advertising. A certificate holder may not advertise that he or she practices massage therapy or bodywork unless the advertisement includes his or her certificate number and a statement that the certificate holder is a “certified massage therapist and bodyworker” or “certified massage therapist” or “certified bodyworker.”

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.14 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the department may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a certificate holder or deny, limit, suspend, or revoke a certificate under this chapter if it finds that the applicant or certificate holder has done any of the following:

(a) Made a material misstatement in an application for a certificate or for renewal of a certificate.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of massage therapy or bodywork.

(c) Advertised in a manner that is false, deceptive, or misleading.

(d) Advertised, practiced, or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced massage therapy or bodywork while his or her ability to practice was impaired by alcohol or other drugs.

(f) Intentionally made a false statement in a report submitted under s. 460.12 (1).

(g) Engaged in unprofessional conduct in violation of the standards established in rules promulgated under s. 460.04 (2) (a).

(h) Engaged in conduct while practicing massage therapy or bodywork that jeopardizes the health, safety, or welfare of a client or that evidences a lack of knowledge of, inability to apply, or the negligent application of, principles or skills of massage therapy or bodywork.

(j) Violated this chapter or any rule promulgated under this chapter.

(2m) Subject to the rules promulgated under s. 440.03 (1), the department shall revoke a certificate under this chapter if the certificate holder is convicted of any of the following:

(a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.09, 948.095, or 948.10.

(b) An offense under federal law or a law of any other state that is comparable to an offense under par. (a).

(3) The department may restore a certificate that has been suspended or revoked on such terms and conditions as the department may deem appropriate.

(4) Before taking any action under this section, the department shall consult with the council and consider any recommendations of the council.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.15 Penalties. (1) Except as provided in sub. (2), any person who violates this chapter or any rule promulgated under this chapter shall forfeit not more than \$1,000 for each violation.

(2) A person who violates s. 460.02 shall forfeit not more than \$500 for each violation. Each day of continued violation of s. 460.02 constitutes a separate violation.

NOTE: This section is created eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74.

460.17 Local regulation. A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork by a person who is issued a certificate by the department under this chapter. No provision of any ordinance enacted by a city, village, town, or county that is in effect before February 1, 1999, and that relates to the practice of massage therapy or bodywork, may be enforced against a person who is issued a certificate by the department under this chapter.

NOTE: This section is shown as amended and renumbered from s. 440.989 eff. 3–1–03 by 2001 Wis. Act 74.

History: 2001 a. 74 s. 19.